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A PHASE OF COMPULSORY EDUCATION

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Bronx, New York

To those interested in the welfare of children, the announcement of the amendment to the New York state compulsory education law, to go into effect on February 1, 1917, will be welcome news. The amended law, in brief, will permit children to secure employment certificates under the following conditions: (a) they must be at least fourteen years of age and have completed the work of the elementary school; (b) if they have completed only the work of the first six years, they must be at least fifteen years of age; (c) any child who is sixteen years of age is permitted to leave school and go to work irrespective of the grade he is in. The New York Child Labor Committee may well be proud of its work, since it was instrumental in securing the passage of this amendment, which now puts our state in the foremost rank of those states that are providing for the welfare of their children through excellent compulsory education provisions.

There has been a gradual raising of these standards, both as to age and as to educational attainments which children have had to reach before the law permitted them to take their places in the world of business. Where formerly it was possible for a child to go to work after acquiring a knowledge of the simplest rudiments

of an academic training, most children must now, under ordinary conditions, have received a fairly thorough school training before being permitted to leave school.

It is indeed fortunate for us that we have passed the stage where it was possible for an individual to consider his own welfare alone and where he lived and acted for the satisfaction of his own wants and desires without regard for others. The weak and ignorant were exploited by the stronger and more intelligent. The history of civilization teaches us that the safety and progress of our society depends on the welfare of the individual, who must contribute to its well-being when his turn comes. If, therefore, we would have a stable and progressive society, we must give much care to those who will later form part of it. Our complex life demands a far longer preparation for one who is to take a part in it than was formerly required, and most of this preparation is now obtained in the school. This, in short, is the theory underlying compulsory education, and it is one which no right-minded person can fail to accept. So important does our own city think attendance in school to be, that there has been established a "Bureau of Compulsory Education, School Census, and Child Welfare," commonly known as the "Bureau of Attendance," and one of its chief duties is to "cause to attend upon school instruction" every child who is legally required to attend school.

It is often stated that good compulsory education and child labor laws should have no exceptions, that what is for the benefit of one must undoubtedly be of benefit to all. For the vast majority this is true, but, as sometimes happens with man-made laws, there are a few—a very few in our case—for whom a setting aside of the requirements of the law would be exceedingly wise both for their own welfare and for that of the community. There is a type of boy in our city elementary schools who is a "misfit" in our educational system. He is a big, strapping boy who is in a grade more or less below that to which his age and physical development would ordinarily entitle him. We are going to consider such a boy, who is past fourteen years of age, who is not legally permitted to go to work owing to his failure to have reached a certain grade, who is unfitted by nature to continue the ordinary course of study in the

elementary school, and for whom as yet there has been made little or no special provision adapted to his different nature and temperament. For him the law is compulsory in that the time requirement for remaining in school seems to be the most important factor, with less emphasis on his educational attainments. His mere presence in school satisfies the requirements of the law, while for the vast majority it would thus be their success in advancing from grade to grade. The time element in the one case corresponds to the scholarship element in the other. Thus the chief weakness of a compulsory education law appears to be that it practically requires mere attendance on the part of our type of child, as will be more fully shown later.

Unfortunately this type of boy is sometimes "boldly and persistently disobedient. Some of these are more or less rowdyish and insolent, but hardly vicious; others approach the criminal in character—sometimes attempting to start a panic in a fire drill, by shouting and running; sometimes using foul language to the teacher or throwing a knife or book at her . . . and frequently defying both classroom teacher and principal outright. . . ." Others of this type are those who are "extremely disobedient, disorderly, and defiant, and who must be kept within the school; there is practically no other provision for them. They have little respect for authority, little regard for the rights of others, and little fear beyond that of bodily hurt." Such are the findings of Professor McMurry, as stated in his report as a member of the "School Inquiry Committee-Board of Estimate and Apportionment." This survey of the schools of New York City was carried on from 1911 to 1913.

Again, still others are reported as "ungovernable," "unmanageable," "incorrigible," "truant," "unwilling and refusing to study," etc. Saddest of all, some of these children find themselves in the children's court, charged with juvenile delinquency, due sometimes directly or indirectly to the lack of mutual adjustment of school and child to each other. The writer fervently pleads with the reader not to be unduly influenced by these characterizations of our boy, nor to form a hasty judgment as to the best solution for this matter on the basis of these facts alone, but to give this sad condition and serious problem earnest and careful consideration.

The following statistics will, to a great extent, serve to show more explicitly the nature and extent of our problem, though in a more or less general way only, since they do not bear exactly on our subject, but still are the only ones available at the present time.

1. The first set is an extract from Table XII of the *Seventeenth Annual Report of the City Superintendent of Schools of New York*.

TABLE XII

[Extract]

AGE-GRADE DISTRIBUTION OF PUPILS IN THE ELEMENTARY SCHOOLS OF THE ENTIRE CITY, FEBRUARY 5, 1915

Grade	Age-Grade Standard	14-14½	14½-15	15-15½	15½-16
5A.....	10½-11½	628	786	552	308
5B.....	11-12	997	1,129	807	529
6A.....	11½-12½	1,498	1,719	1,218	710
6B.....	12-13	2,107	2,247	1,692	945

Here are hundreds of children who are over-age, many of whom are far behind in their studies owing to various reasons, such as physical defects, illness, foreign parentage, etc. There are also those who are in good physical condition and who began school at the proper age, but who, because of mental characteristics and capacities different from those which most children possess, fail to react to the requirements of school life as is ordinarily expected.

2. The following are extracts of Tables XV, XX, XXIII, and XXVI of the *First Annual Report of the Director of Attendance*.

TABLE XV

[Extract]

SHOWING DISTRIBUTION BY CAUSES OF ABSENCE AND SEX OF 130,513 CASES INVESTIGATED BY ATTENDANCE OFFICERS

Cause of Absence	Total	Boys	Girls
Truant.....	29,520	26,895	2,626
Employed illegally while enrolled in elementary school.....	2,318	1,173	1,145
Not found.....	9,104	5,118	3,986

A comment of the report on Table XV is to the effect that there is a "comparatively small number of children employed illegally . . . although this number would undoubtedly be increased if

all the children reported as 'not found' . . . could be located." It is assumed, of course, that our boy is often a truant, owing in many cases to his dislike for school. Again, for this reason, he will often go to work even though prohibited by law, as will be shown by an actual case later.

An honest statement of the foregoing facts requires the quoting of extracts from Tables XX, XXIII, and XXVI.

TABLE XX

[Extract]

SHOWING COMPLETE DISTRIBUTION BY CAUSE AND RESULT OF INVESTIGATION OF
130,513 CASES INVESTIGATED BY ATTENDANCE OFFICERS

Cause of Absence	Total	Returned to School	Placed in School	Legally Employed	Not Found
Truant.....	29,520	24,174	5,230	61	55
Employed—no employment certificate while enrolled in elementary school.....	2,318	1,162	89	1,047	20
Not found.....	9,104				9,104

TABLE XXIII

[Extract]

SHOWING DISTRIBUTION OF HEARINGS BY COMPLAINT

Tuancy.....	4071
Illegally employed.....	214

TABLE XXVI

[Extract]

SHOWING DISTRIBUTION OF CHILDREN FOR WHOM HEARINGS
WERE CALLED BEFORE DIVISION SUPERVISORS, BY
AGE, SEX, COMPLAINT

Age		Tuancy	Illegally Employed
14.....	Boys.....	748	41
	Girls.....	112	11
15.....	Boys.....	801	57
	Girls.....	129	41
16.....	Boys.....	206	26
	Girls.....	57	7

3. In the *Annual Report of the Children's Court of the City of New York* for the year ending December 31, 1915, the records of the

Probation Bureau show that this department found it necessary to investigate the cases of 4,440 boys brought before the Court. Of this number there were 1,937 boys between the ages of fourteen and sixteen. Out of the total number, it was found necessary after this investigation to commit 399 and to place 2,617 on probation and 879 under supervision, while 201 were discharged and in 344 cases sentence was suspended. It is therefore impossible to state exactly just how many of the 1,937 boys mentioned above as being between fourteen and sixteen would come within our particular class, but suffice it to say that it is not a question of numbers, and that, no matter how many or how few, for their own welfare the peculiar problem which their condition presents deserves our particular attention, and it is the duty of society to offer them every possible means for their betterment.

Our problem really originates in the school and sometimes spreads to the Children's Court for further consideration. Our boy is unable to adjust himself to school conditions and is unsuited to the class in which he finds himself, because of his older age, more developed physical condition, different nature, and the lack of of special provision for him. Various other factors combine with these and produce a boy whose unsocial behavior brings him to our attention in the manner described above.

In the following paragraphs are given some of the more important and possible methods of discipline, correction, and reformation.

1. The use of corporal punishment under certain restrictions is advocated by Professor McMurry in the report referred to above. This method is prohibited in the schools of New York City. No one can deny its value, however, for a particular offense where such immediate and severe action is necessary, but he who believes that such a method can correct a chronic and deep-seated condition is old-fashioned and ignorant of the principles of modern educational practice. There are times when corporal punishment is undoubtedly necessary, but as a general solution for our problem it would be wrong and would fail absolutely. We don't any longer, for one thing, try to "lick" knowledge into the heads of unwilling and incapable children.

2. Where the conduct of a boy is such that it requires more serious consideration, and where ordinary methods of correction and discipline have failed, the principal of a school has the power to bring this matter to the attention of the district superintendent, who holds a hearing, but whose jurisdiction is limited to the transmission of his findings to the city superintendent of schools for further action. In the report quoted above Professor McMurry describes the difficulties in the way of bringing such children to trial, the reluctance and unwillingness on the part of a principal to resort to such a method of procedure, the humiliation of the complainants who must make their accusations to another before whom defendant and complainant appear on the same level, and states that finally, in most cases, the verdict is simply the transfer of the boy to another school, which "is not at all what many of these children most need." This method seems likely to fall into disuse, for, as the Bureau of Attendance becomes better organized, it will necessarily take over this function of holding hearings.

3. In the chapter on "Probationary Schools and Truant Schools" of his *Seventeenth Annual Report*, City Superintendent of Schools Maxwell makes the following statements:

In my *Eleventh Annual Report*, I recommended "that Probationary Schools, similar to P.S. 120—two in Manhattan, two in Brooklyn, one in the Bronx, and one in Queens—be established as soon as buildings can be obtained in which to house them. Institutions such as the Parental School will always be needed. It is much cheaper however, where it is possible, to reform a boy in a day school than to board him and lodge him (p. 206). . . .

The primary purpose of these schools is to reform delinquent pupils. Delinquent children are not necessarily mentally defective. They may be children who are temperamentally different from the normal child; or those who show signs of criminal tendencies; or truants who, without criminal intent, may be led into dangerous company and bad practices.

The special care and treatment which these children need cannot be given to them by the regular class teachers, who must work under the strain of large classes. Furthermore, these delinquent children should not be permitted to interfere with the class work of the normal pupils. Children who are admitted to these schools have been given every opportunity in at least one elementary school and usually in two schools; they are not transferred to the probationary school until they have shown clearly that they cannot get along in the regular classes. Both their own welfare and the progress of normal pupils demand

that the delinquent children be grouped in special classes or schools, in charge of teachers who are specially trained to care for them. . . .

The course of study in probationary schools should include academic subjects, Physical Training, Industrial or Vocational Training, and Moral Training. . . .

This is an excellent method, by which, no doubt, many of our boys will be taught to respond in the right way. Especially is such a school of decided value for the younger children where delinquency is not of long standing. Yet even here it is a question whether or not the legal minimum-age limits for leaving would not bring up our problem again in a different form. There is the possibility of the time element of the law being the emphasized factor of its "compulsoriness." However, owing to the high cost of such schools, there is an insufficient number of them, and in these days of economy and retrenchment in making appropriations such added expense will not meet with much favor. Present conditions cannot, therefore, encourage us much in this direction, and so we must seek elsewhere for a more practical solution.

4. Under the compulsory education law it is a duty of the Bureau of Attendance—

to order any child between 7 and 16 years of age, who is an habitual truant from instruction upon which he is lawfully required to attend or who is unsubordinate or disorderly during attendance, to attend a truant school, for a period not exceeding two years, and in no case after the child is 16 years of age, provided after reasonable notice to such child and the persons in parental relation to such child, and an opportunity for them to be heard, the consent in writing of the persons in parental relation to such child shall have been given. The authority to commit such a child to a truant school and to parole him therefrom resides in the Director of Attendance.

Some of the "policies" of this bureau as "interpreting" its duties under the law are: (a) "to provide for the apprehension, arraignment, study, treatment, and rehabilitation of the persistently irregular or habitually truant and delinquent child; this contemplates commitment if necessary"; (b) "to prosecute in the courts those children who are habitually truant or irregular in attendance or disorderly while in attendance, and who have been adjudged beyond the control of the parents"; (c) to co-operate

fully with the Children's Court for the control of juvenile delinquency."

This bureau has set forth for itself an excellent program of work to carry out its duties under the requirements of the law. It makes, when necessary, a thorough investigation of all the factors which influence the life of a child who is summoned for a hearing for violation of the compulsory education law, and is ready to do all in its power to remedy matters, although exceedingly handicapped owing to lack of "sufficient funds to carry out its plans properly." There were only 4 hearings for incorrigibility for the school year ending July 31, 1915. This strangely small number is undoubtedly accounted for by the fact that many of our type of boy were also truants and as such probably formed a good part of the 4,071 truants summoned for hearings.

Yet there comes a time in dealing with our boy, after we have made all necessary investigations, when we feel that under existing conditions our efforts must fail, and that if the provisions of the law were temporarily set aside to permit us to do for the boy what our judgment impels us to do for his best interests, we might then hope for success in our handling of this problem. It is again emphasized that we must not limit our consideration of the case to the particular acts of delinquency on the part of the boy, but we must go beneath the surface and seek the condition which is the primary cause. Our boy is unfitted by nature to continue in the regular school, and there is very little actual provision for him otherwise. Definite and prompt action is needed. The laws of educational psychology require us to plan school method and content to conform to the characteristics of the mental functioning of the child at various periods. The school, not the child, must do most of the accommodating in this respect. No one denies the right of the school to claim the time of the child for the purpose of training him, but the time so spent must be profitable for the child. If it is not, it is for the school to relinquish such claim.

The following case histories will serve to illustrate our problem and show what should and can be done to solve it.

1. W. A. is a big boy, fifteen years old, and is only in Grade VI A. When he was thirteen, he was brought to the Children's Court for

having stayed away from home. A year later he was arrested again for having entered a cellar and stolen some nuts. During the past school term he again stayed away from school and home on two different occasions for three and four days respectively, the last time being implicated with two other boys in having stolen jewels from the parents of one of them. The school record of W. shows that his conduct has been poor and that he was "left-back" several times. The principal of this school at one time wrote to his probation officer that he "was associating with undesirable companions, smoking cigarettes, shooting craps, and was bold and defiant in his attitude." He was "left-back" this term because of his lack of effort and unwillingness to do the required work. He refused to attend "summer school" to make this up. The home conditions are satisfactory. Here is a big, healthy, lazy fellow who is actually accomplishing nothing by being in school. The law requires that boy to attend until he is sixteen years old, owing to his low grade. Are we to stand blindly by and let him practically idle his time away for another year until he will be permitted to go to work, when nothing really would be lost if he were allowed to do so now?

2. Here is another boy who illegally solved his problem in a manner which must command our approval and admiration. When L. K. was fourteen, he secured a transfer to another school at the beginning of the fall term, when he moved to another district. Nothing more was heard of him for about 100 school days. He "disappeared" when he should have been in school. Previous to this he showed intense dislike for school and his record proved this. This boy was therefore a truant within the meaning of the compulsory education law and was violating its provisions. When he was found later, he was taken to the Children's Court, which placed him on probation. It was learned that he had secured employment in a large department store and earned \$7 a week.

While on probation his record was excellent, and he put forth his best efforts in Grade VII A to which he was returned. The only complaint, however, was that this very big boy would resent being "spoken to" and would "answer back." The law requires him to attend at least 130 days during the year previous to his

request to be permitted to work, and up to this June he has attended about 70 days and so will be forced to return this fall to complete the time requirement.

The family is in poor circumstances. L. is an excellent son at home and for two years he has been working after school to help in the support of his family. There is a stepfather who is a peddler, another boy of sixteen who works, and six little children to be supported on these meager earnings. A sociologist would argue that to prevent the family from becoming a recipient of charitable aid, the boy should be permitted to work as he has been doing and not be forced to attend school.

On one occasion L. made the following complaint: "It is a struggle for me to be in school because it is disagreeable for a boy of my size to associate with little fellows, and anyway I want to be independent of the support of my father." This summer he secured employment as a salesman in a men's clothing-shop, although illegally, and earned \$10 per week and as much as \$5 more for overtime. In an application for another position he gave his age as twenty-two, and his manly appearance would cause no doubt to arise about this in the mind of a stranger, although he is only fifteen years of age. His magnetic personality quickly wins the confidence and respect of those with whom he comes in contact. To his probation officer he stated that he would not return to school under any circumstances, even if he had to leave the city and go elsewhere.

If this "boy" who is already a young man does not return to school as the law requires him to do to be eligible for an employment certificate, it will be possible to commit him to a truant school. Here is a young man who is already showing himself to be a good citizen and who gives promise of proving a welcome asset to the community. Will it not be a crime against his nature for us blindly to obey the law and violently to force him to attend school? Is there any doubt at all as to which is the proper solution for this problem—a boy who absolutely abhors school and is "making good" elsewhere?

3. H. F. was fifteen when he first came to the Children's Court charged with incorrigibility, being disorderly at home and also

remaining away from there. He was always troublesome, demanded money which the mother was unable to give him, refused to attend "summer school" to make up classes, and was a disturbing element in the home. In school he was a truant. The principal stated that the boy would not benefit by being in school and that, owing to his age, size, and temperament, he was a detriment to the class. Because of his inability to progress there, it was suggested that he be transferred to a vocational school, where he was later denied admission on the grounds of "ineligibility and unfitness." A short time after this the mother was taken to the hospital, and the home, being neglected, became dirty and badly kept. H. came home only to eat and sleep. He became a truant again, and "hung out" in a barber-shop where he spent his time loafing about and smoking cigarettes. He was examined by an expert on mental disorders of children, who declared that the boy was not fit for his class in school and ought to be permitted to go to work, which permission he was legally able to get some months later.

When he did secure employment, his probation record showed that he became a differently behaved person and acted in the way a good son should. Steady work undoubtedly effected a reformation in this boy's character.

4. B. W. was thirteen and a half when he was arrested for stealing a bicycle. His early probation record shows poor behavior and failure to meet his probation officer several times when requested. He was twice remanded for a week by the court for poor reports in school. He was a truant, stayed out late at night, and his attitude was one of indifference and bravado at first. His school record shows that "he had been demoted for inattention and was making no effort." A year later a teacher reported as follows: "I am the only teacher who kept him an entire term in her class. He spent 4 terms in VI AA—not only kept him in the class but gave him an hour's coaching every day to make up for lost time and make it possible for him to be promoted to VII A. Before witness gave him a chance to begin all over with understanding that he would do as rest of class. He refused." The boy failed to get along with this teacher and continued his truancy. At home, however, his conduct had changed

for the better. The probation officer visited the assistant principal of the school, and in the report stated that "this official was unsympathetic and was of opinion that the boy should be placed under restraint." Later the boy was transferred to another school, where he finally secured his working certificate when he was past fifteen, a long time after he might have received it with the same benefit to himself and the avoidance of useless trouble and waste of time. He worked hard when he secured employment and was ambitious, "showing a love for business which he never showed for school. He looks quite manly since employed and shows good spirit in his desire to do right." B. states that he is "past the foolish age" and is "going to keep straight," his excellent probation record for this period being sufficient proof of this desire being acted on.

The first case was cited to show where our remedy of allowing our type of boy to go to work in spite of the law would be necessary and proper. The second case was a clear illustration of the possible benefits that might come to a boy if this exception to the law were allowed. The third and fourth show the inevitable good results that come in the vast majority of such cases after these boys are permitted to go to work. Let it be understood, however, that this solution is not a cure-all. There will be several who will fail in this direction as they failed in school, and a few who may possibly end up in some institution or reformatory.

When dealing with delinquent boys, probation officers almost always advise them to go to work when possible, when experience in dealing with such boys suggests to these officers the need of such a method of reformation, which tends to produce a thinking and ambitious young man where there was formerly a thoughtless and indifferent boy. Work in the business world is a real training for these boys, develops latent powers, stabilizes character and actions, and makes them take an active part in their own reformation, which rarely fails to take place.

In summing up, we may argue that to make a legal exception of this type of boy cannot be objected to on the ground of lack of physical development. In this connection we may cite the interesting study that was conducted several years ago by

Dr. C. W. Crampton, director of physical training in our schools. He subjected 4,800 high-school boys to various tests, and the statistics given in Table I are part of his findings.

TABLE I
PHYSIOLOGICAL GROUPS

Age	Immature Percentage	Maturing Percentage	Mature Percentage
14-14½	26	28	46
14½-15	16	24	60
15-15½	9	20	71
15½-16	5	10	85

Furthermore, the provisions of the labor law will protect this type of boy from long hours, dangerous occupations, etc. By the time such a boy reaches the fifth or sixth year in his school work, he can read, write, spell, and perform operations in arithmetic of which ordinary business requirements demand a knowledge, besides other academic training which he might have acquired. Will the loss of this short extra training, ordinarily necessary to secure a working certificate and amounting to a year or two perhaps, be a really serious one? Many boys now leave school when they become sixteen, who do not get as far as the seventh year in their school work, or even the sixth or fifth. We would very much desire every child to receive as much academic training as possible, but as it was somewhere naïvely stated, "You can't put a five-dollar education into a five-cent head and some must be manual laborers." We must take a practical view of the whole matter. Moreover, what is to prevent such boys from attending night school as the law now requires all children to do who have not graduated from the elementary school or who are not yet sixteen? Let us further remember that the lack of a complete education does not preclude the possibility of success in business, as is very often proved in business.

Our boy is usually pubescent or post-pubescent. With pubescence there come vast changes in a child's whole life. His changing nature demands different methods of teaching, etc., from that which prepubescent children require. Dr. Bachmann in his report

on "Promotion, Non-promotion and Part-Time" in the *School Inquiry* referred to at the beginning of this discussion, states that "there is general agreement that children cannot be kept with profit under the régime of the elementary school much beyond the period of pubescence."

In his discussion on "Child Labor and Compulsory Education—The School Aspect" in the publication of the National Education Association for 1905, George H. Martin gives the following conclusive arguments:

We cannot afford to lose sight of a certain profound psychological fact. There comes a time in the life of many boys and girls when the developing instinct of manhood and womanhood appeals to them with commanding force, and impels them to do what men and women are doing, namely, to work for wages instead of doing what children are doing, namely, going to school and playing.

These cases need to be handled with the greatest care. To enact into such a law that such children shall remain children, when their whole nature is crying out for them to be men, is to work a hardship as great as to compel them to be men before their time. Compulsory schooling for them may be as cruel as premature labor is for others. Hundreds of boys and girls who have passed the age of 14 are getting more real development, a better education, in productive labor than they would get in any such school as they will be compelled to attend.

Who is to decide when it is for the best interests of our type of child to go to work? In our own city, the principal of the school could bring the attention of the Bureau of Attendance to such boys. This department, being organized and equipped to make all necessary examinations and investigations, should therefore be given this important power. Other cities could well copy this scheme. In the absence of any such provision, where a boy is on probation owing to his having been brought before a children's court, the power could lie with the judge on recommendation of the probation officer. Again, the principal of the school in consultation with the parents of the child and representatives of various child-welfare agencies could be given this power where no other provision is made for such a condition.